

REMARKS

Claims 1-7 are pending in this application. By this Amendment, claim 1 is amended to even further distinguish it from the applied reference. Support for the amendment can be found at least at: page 3, lines 6-9; page 11, lines 6- 23; and page 18, line 15 - page 19, line 5. No new matter is added.

On page 2, item 2, the Office Action states that the Declaration and Application Data Sheet (ADS) did not identify Japanese priority Application No. 2003-015763. However the Japanese priority application was identified in the January 22, 2004 ADS (see the "Foreign Priority Information" section) and in the Declaration filed June 23, 2004.

Applicant thanks the Examiner for indicating that claims 3 and 5-7 contain allowable subject matter. As detailed below, Applicant respectfully submits that all pending claims are allowable.

The Office Action rejects claims 1, 2 and 4 under 35 U.S.C. §102(b) over Haruki et al. (U.S. Patent No. 4,969,045) (Haruki). The rejection is respectfully traversed.

Haruki fails to disclose the combination of features recited in independent claim 1. In particular, Haruki fails to disclose a control device that determines gradation characteristics based upon a comparison of the average values calculated each in correspondence to one of the plurality of pixel areas with a predetermined threshold level, as recited in independent claim 1. Haruki discloses calculating gamma corrections based on the ratio between maximum and minimum calculated exposure evaluation values, and thus does not disclose the gradation correction of independent claim 1. See Figure 6 and column 14, lines 53 - 60 of Haruki. On page 4, lines 9-15, the Office Action asserts that Haruki discloses a "deciding threshold". However the portion of Haruki referenced in the Office Action does not relate to gradation characteristics, but instead relates to exposure quantity. Thus, independent claim 1 is patentable over Haruki.

Claims 2 and 4 are dependent on claim 1 and therefore are patentable at least for the same reasons as claim 1, in addition to the features they recite. Thus, claims 1, 2 and 4 are patentable, and therefore it is respectfully requested that the rejection be withdrawn.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of all pending claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



Mario A. Costantino
Registration No. 33,565

MAC:MEM/tbm

Attachment:

Petition for Extension of Time

Date: September 26, 2007

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>
--